

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

APPELLANT:	Jeremy THALER et al.	GROUP:	1794
APPLICATION:	10/705,657	EXAMINER:	H. Pratt
FILED:	November 10, 2003	CONFIRMATION:	6140
FOR:	PEANUT BUTTER WITH AN ORGANIC STABILIZER AND METHOD FOR MANUFACTURE THEREOF		

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

LETTER ACCOMPANYING SECOND REPLY BRIEF

In response to the Supplemental Examiner's Answer dated July 23, 2009, Appellants submit herewith a Second Reply Brief, and concurrently submit a Petition to the Commissioner for review of this application.

No oral hearing is requested.

Appellants respectfully request that the Board render a decision based upon the parties written submissions, including Appellants' Appeal Brief, a Reply Brief submitted on April 6, 2009, and the enclosed Second Reply Brief.

Appellants further note that the Examiner's Supplemental Answer, in spite of the Examiner's failure to indicate such, now contains previously withdrawn grounds for rejection as well as a new grounds for rejection for which Appellants are now responding in the enclosed Second Reply Brief. Appellants wish to proceed with the appeal due to the protracted prosecution of this application to date.

In the event any fees are required in association with this submission, authorization is hereby provided to charge such fees or additional amounts to the Basch & Nickerson LLP Deposit Account 50-2737.

Respectfully submitted,

/Duane C. Basch, Esq. Reg. No. 34,545/

Duane C. Basch, Reg. No. 34,545
Attorney for Appellants
Basch & Nickerson LLP
1777 Penfield Road
Penfield, New York 14526
(585) 899-3970